

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PETITION FOR LEAVE TO FILE
BY ENJOINED LITIGANT

M.B.D. No.
19-mc-91239-ADB

IN RE PETITION FOR LEAVE TO FILE
BY ENJOINED LITIGANT

M.B.D. No.
19-mc-91240-ADB

IN RE PETITION FOR LEAVE TO FILE
BY ENJOINED LITIGANT

M.B.D. No.
19-mc-91241-ADB

IN RE PETITION FOR LEAVE TO FILE
BY ENJOINED LITIGANT

M.B.D. No.
19-mc-91242-ADB

IN RE PETITION FOR LEAVE TO FILE
BY ENJOINED LITIGANT

M.B.D. No.
19-mc-91243-ADB

MEMORANDUM AND ORDER

BURROUGHS, D.J.

For the reasons set forth below, the Court grants petitioner leave to proceed *in forma pauperis*, denies petitioner's motions for appointment of counsel and denies the Petitions for Leave to File.

I. BACKGROUND

Petitioner Oak-Hee Kim, also known as Oak-Hee Ruesch, is a frequent *pro se* litigant who has been enjoined from filing any paper in the United States District Court for the District of Massachusetts without first obtaining leave of court. *See* 1:04-cv-12390-NG, November 17, 2014 Memorandum and Order p. 3.

The Court's records indicate that ten of petitioner's actions have been dismissed either on the merits or for failure to comply with the enjoinder order. *See Ruesch v. Dillon et al.*, 00-cv-12163-NG (dismissed), *Ruesch v. Wellesley Housing*, 02-cv-12382-NG (dismissed), *Ruesch v. Malerba et al.*, 03-cv-12036-NG (dismissed); *Ruesch v. Goodhue*, 04-cv-11166-NG, (dismissed); *Ruesch v. Goodhue*, 04-cv-12390-NG (dismissed); *Kim v. Newton Housing Authority*, 15-cv-11487-GAO (removed action dismissed for failure to comply with removal order), *Kim v. Housing and Urban Development*, 15-cv-11817-GAO (dismissed for failure to comply with enjoinder order); *Kim v. MCAD*, 15-cv-12309-WGY (dismissed for failure to comply with enjoinder order); *Kim v. Boston University School of Dental Medicine*, 17-cv-11641-GAO (dismissed); and *Kim v. Harvard University School of Dental Medicine*, 17-cv-11644-GAO (dismissed).

Petitioner has also sought leave to file complaints under the enjoinder orders on nine other occasions. *See In re: Kim*, 14-mc-91016-FDS (leave to file denied); *In re Kim*, 15-mc-91420-NMG (leave to file denied); *In Re Petition for Leave to File*, 16-mc-91293-DJC (leave to file granted for filing 2 complaints, unrelated to the issues raised in the instant petitions); *In Re Petition for Leave to File*, 17-mc-91337-DJC (leave to file denied); *In Re Petition for Leave to File*, 19-mc-91494-NMG (leave to file denied); *In Re Petition for Leave to File*, 19-mc-91496-NMG (leave to file denied); *In Re Petition for Leave to File*, 19-mc-91497-NMG (leave to file denied); *In Re Petition for Leave to File*, 19-mc-91498-NMG (leave to file denied); and *In Re Petition for Leave to File*, 19-mc-91499-NMG (leave to file denied).

On May 31, 2019, Kim filed five petitions seeking leave to file additional actions in this Court. The Clerk filed the petitions in M.B.D. Nos. 19-mc-91239, 19-mc-91240, 19-mc-91241, 19-mc-91242, and 19-mc-91243.

II. DISCUSSION

Upon review of Kim's motions for leave to proceed *in forma pauperis*, the Court concludes that she is without income or assets to pay the applicable filing fee. The motions are therefore granted.

Upon review of Kim's petitions for leave to file, she again seeks to bring suit against James A. Goodhue (an attorney for the Wellesley Housing Authority) (19-mc-91242), the Directors and Fellows of the Newton Housing Authority (19-mc-91243), the Massachusetts Commission against Discrimination (19-mc-91239) and the Secretary of the United States Department of Housing and Urban Development (19-mc-91240). In 2017, as well as earlier this year, Kim was denied leave to file these documents. *See In Re Petition for Leave to File*, 19-mc-91494-NMG (denying leave to file); *In Re Petition for Leave to File*, 19-mc-91496-NMG (denying leave to file); *In Re Petition for Leave to File*, 19-mc-91497-NMG (denying leave to file); *In Re Petition for Leave to File*, 19-mc-91498-NMG (denying leave to file); *In Re Petition for Leave to File*, 19-mc-91499-NMG (denying leave to file); and *In Re: Kim*, 17-mc-91118-NMG (denying leave to file five civil actions Nov. 3, 2017).

Kim also seeks to bring suit against a federal judge and six attorneys for actions taken over several years relating to Kim's efforts to litigate several claims. *See In Re Petition for Leave to File*, 19-mc-91241-ADB. Petitioner's proposed complaint is not entirely coherent. Moreover, Kim mistakenly identifies George A. O'Toole, Jr., *id.* at Dkt. No. 1, ¶ 12, as the presiding judge that issued the November 17, 2004 order enjoining Kim from filing papers in this Court without having received permission from the Court to do so. *Ruesch v. Goodhue, et al.*, C.A. No. 04-12390-NG (dismissed Nov. 18, 2004) (Gertner, J.). Regardless, the Court cannot find that the proposed complaint states a legal claim upon which relief may be granted.

In light of the above, this Court finds that petitioner has not demonstrated that she should be relieved of the orders prohibiting her from filing lawsuits in this Court. Based on the pleadings submitted, this Court cannot find that there is an objectively good faith basis for these proposed suits, or that the proposed complaints present compelling reasons to overcome the orders enjoining her from filing without leave of court due to her litigation practices.

III. CONCLUSION

Accordingly:

1. The motion for leave to proceed *in forma pauperis* are GRANTED.
2. The motions for appointment of counsel are DENIED.
3. The Petitions filed in M.B.D. Nos. 19-mc-91239, 19-mc-91240, 19-mc-91241, 19-mc-91242, and 19-mc-91243, for Leave to File are hereby DENIED and the actions are DISMISSED. The Clerk is directed to close M.B.D. Nos. 19-mc-91239, 19-mc-91240, 19-mc-91241, 19-mc-91242, and 19-mc-91243.

SO ORDERED.

June 20, 2019

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE